

WILLIAM JOLLEY,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:08CV513 CDP
)	
MICHAEL BOWERSOX,)	
)	
Respondent.)	

This matter is before the Court on the petition of William Jolley for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In accordance with 28 U.S.C. § 636(b), I referred the habeas petition to United States Magistrate Judge Terry I. Adelman for his Report and Recommendation. On February 28, 2011, Judge Adelman recommended that I deny the petition, and advised the parties that they had fourteen (14) days to file written objections to his Report and Recommendation.

A copy of this Report and Recommendation was sent to petitioner's last known address, but was returned as undeliverable on March 14, 2011. After further investigation revealed petitioner's current address, an additional copy of the Report and Recommendation was sent to petitioner on March 15, 2010. On that same date, I also entered an Order to Show Cause, requiring petitioner to

show cause no later than March 25, 2011 why I should not dismiss this case without prejudice pursuant to Local Rule 2.06 for petitioner's failure to promptly update the Court of his current address. In that same Order, I also ordered petitioner to file any objections to the Report and Recommendation by March 25, 2011. That date has come and passed, however, and no objections have been filed.

After careful consideration, I will adopt and sustain the thorough reasoning of Judge Adelman. I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, that a court could resolve the issues differently, or that the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83) (8th Cir. 1994)). Because petitioner has not made such a showing, I will not issue a certificate of appealability.


Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Terry I. Adelman [#11] is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the petition of William Jolley for writ of habeas corpus pursuant to 28 U.S.C. § 2254 [#1] is denied.

IT IS FURTHER ORDERED that as Jolley has not made a substantial showing of the denial of a constitutional right, this Court will not issue a certificate of appealability.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 31st day of March, 2011.